

## **TITLE 6. ECONOMIC SECURITY**

### **CHAPTER 5. DEPARTMENT OF ECONOMIC SECURITY - SOCIAL SERVICES**

#### **ARTICLE 50. CHILD CARE RESOURCE AND REFERRAL SYSTEM**

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#### **ARTICLE 50. CHILD CARE RESOURCE AND REFERRAL SYSTEM**

**R6-5-5001. Definitions and Location of Definitions**

~~The following definitions apply to this Article:~~

- ~~1. "ADE" means the Arizona Department of Education, which administers the CACFP at the state level.~~
- ~~2. "Alternate approval means a status the ADE confers on an uncertified, unlicensed provider that demonstrates compliance with CACFP child care standards to the ADE."~~

3. ~~“Caregiver state licensing ratio requirements” means Arizona Department of Health Services (DHS) regulations that mandate DHS oversight of child care facilities with five or more children in care for compensation where child care is provided for periods of less than 24 hours per day.~~
4. ~~“Child care” means a compensated service that is provided to a child unaccompanied by a parent or guardian during a portion of a 24-hour day. The service includes supervised and planned care, training, recreation, and socialization.~~
5. ~~“CACFP” means the Child and Adult Care Food Program, funded and administered at the federal level by the Food and Consumer Services, a program of the U.S. Department of Agriculture.~~
6. ~~“CCR&R” means child care resource and referral, a service the Department administers under A.R.S. § 41-1967.~~
7. ~~“Center” means the same as “child care facility” in A.R.S. § 36-881(3).~~
8. ~~“Certified” or “licensed” means a provider holds a license as prescribed in A.R.S. § 36-882, or is certified under A.R.S. § 46-807 or A.R.S. § 36-897.~~
9. ~~“Child with special needs” means a child who needs increased supervision, modified equipment, modified activities, or a modified facility, within a child care setting, due to any physical, mental, sensory, or emotional delay, or medical condition, and includes a child with a disability.~~
10. ~~“compensation” means something given or received in return for child care, such as money, goods, or services.~~
11. ~~“Contractor” means an agency with which the Department contracts for provision of CCR&R services.~~

- ~~12. “Customer” means a person who is requesting information from a CCR&R contractor.~~
- ~~13. “Database” means a computerized collection of CCR&R facts, figures, and information for licensed, certified, and registered providers and customers arranged for ease and speed of retrieval.~~
- ~~14. “Department” or “DES” means the Arizona Department of Economic Security.~~
- ~~15. “Dropped for cause” means an ADE Sponsoring Organization has terminated a family child care provider from participation in the CACFP.~~
- ~~16. “Exclude” means to refuse to include a particular provider in or to remove a provider from the CCR&R database.~~
- ~~17. “Family child care” means child care provided by a certified or registered provider in the provider's own home.~~
- ~~18. “In-home child care” means child care provided in a child’s own home.~~
- ~~19. “Information only listing” means a provider listed on the CCR&R who will receive training information and other information about child care issues and activities, but who will not receive any referrals.~~
- ~~20. “Listing status~~Listing~~” means the condition under which a provider may receive a referral (referral listing or is restricted from receiving a referral (information only listing).~~
- ~~21. “Over-Ratio Referral Form” means a communication tool used to relay to the Department of Health Services (DHS) information concerning a potential violation of caregiver state licensing ratio.~~
- ~~22. “Personally identifiable information” means any information about a person other than a provider, that, when considered alone, or in combination with other information,~~

~~identifies or permits another person to readily identify the person who is the subject of the information. Personally identifiable information includes:~~

- ~~a. Name, address, and telephone number;~~
- ~~b. Date of birth or age;~~
- ~~c. Physical description;~~
- ~~d. School;~~
- ~~e. Place of employment; and~~
- ~~f. Any unique identifying number, such as driver's license number, a social security number, or regulatory license number.~~

~~23. "Program Administrator" means the person who oversees the Child Care Administration, a unit of the Department.~~

~~24. "Provider" means an adult who, or a facility that, provides child care services.~~

~~25. "Provider type" means a category of provider or program such as a center, family child care, and in-home child care.~~

~~26. "Referral" means the information listed in R6-5-5005(C), (D), and (E), that a Contractor gives to a customer.~~

~~27. "Referral listing" means that a contractor may refer a provider listed on the CCR&R registry or database to customers, and the provider may receive training and other information about child care issues and activities.~~

~~28. "Registered provider" means a family child care provider who is an adult and is not licensed or certified by any government agency, but who meets the requirements to be listed in the CCR&R registry.~~

~~29. "Registry" means the list of providers that:~~

- a. ~~Are not licensed or certified by a government agency;~~
- b. ~~Voluntarily list with CCR&R, and~~
- c. ~~Meet the requirements under A.R.S. § 41-1967 to receive referrals and training information.~~

30. ~~“Regulated” means a provider who is required to meet licensing or certification standards set by a government agency, including a federal, state, or tribal government agency.~~

31. ~~“Revocation” means the permanent removal of a child care provider's license or certificate by a government agency.~~

32. ~~“SDA” means service delivery area, which is a specific geographic area where CCR&R services are offered.~~

33. ~~“Sponsoring organization” means a public or non-profit private organization that administers the CACFP on behalf of ADE.~~

34. ~~“Suspension” means that a regulatory agency has temporarily removed a provider's certificate or license.~~

35. ~~“Work day” means Monday through Friday, excluding Arizona state holidays.~~

A. Location of Definitions. Definitions applicable to this Article are found in the following:

<u>Definition</u>	<u>Section or Citation</u>
<u>“ADE”</u>	<u>R6-5-5001(B)</u>
<u>“ADHS”</u>	<u>R6-5-5001(B)</u>
<u>“Adult”</u>	<u>R6-5-5001(B)</u>
<u>“Alternate Approval”</u>	<u>R6-5-5001(B)</u>
<u>"Appeal"</u>	<u>R6-5-5001(B)</u>
<u>“Business Day”</u>	<u>R6-5-5001(B)</u>

<u>"Calendar Day"</u>	<u>R6-5-5001(B)</u>
<u>"CACFP"</u>	<u>R6-5-5001(B)</u>
<u>"Caregiver State Licensing Ratio Requirements"</u>	<u>R6-5-5001(B)</u>
<u>"CCR&amp;R Database"</u>	<u>R6-5-5001(B)</u>
<u>"Center"</u>	<u>R6-5-5001(B)</u>
<u>"Certified"</u>	<u>R6-5-5001(B)</u>
<u>"Child Care"</u>	<u>R6-5-5001(B)</u>
<u>"Child Care Facility"</u>	<u>A.R.S. § 36-881</u>
<u>"Child Care Provider"</u>	<u>R6-5-5001(B)</u>
<u>"Child Care Resource and Referral" or "CCR&amp;R"</u>	<u>R6-5-5001(B)</u>
<u>"Compensation"</u>	<u>R6-5-5001(B)</u>
<u>"Complainant"</u>	<u>R6-5-5001(B)</u>
<u>"Complaint"</u>	<u>R6-5-5001(B)</u>
<u>"Consumer"</u>	<u>R6-5-5001(B)</u>
<u>"DCS"</u>	<u>R6-5-5001(B)</u>
<u>"Department" or "DES"</u>	<u>A.R.S. § 41-1951</u>
<u>"Division"</u>	<u>R6-5-5001(B)</u>
<u>"Dropped for Cause"</u>	<u>R6-5-5001(B)</u>
<u>"Eligible Child"</u>	<u>R6-5-5001(B)</u>
<u>"Family Child Care"</u>	<u>R6-5-5001(B)</u>
<u>"Household Member"</u>	<u>R6-5-5001(B)</u>
<u>"Licensed"</u>	<u>R6-5-5001(B)</u>
<u>"Listing Status"</u>	<u>R6-5-5001(B)</u>

<u>“No Referral Status”</u>	<u>R6-5-5001(B)</u>
<u>“PII”</u>	<u>R6-5-5001(B)</u>
<u>“Program Administrator”</u>	<u>R6-5-5001(B)</u>
<u>“Referral”</u>	<u>R6-5-5001(B)</u>
<u>“Referral Status”</u>	<u>R6-5-5001(B)</u>
<u>“Registered Child Care Provider”</u>	<u>R6-5-5001(B)</u>
<u>“Registry”</u>	<u>R6-5-5001(B)</u>
<u>“Regulatory Agency”</u>	<u>R6-5-5001(B)</u>
<u>“Regulated Child Care Provider”</u>	<u>R6-5-5001(B)</u>
<u>“Serious Injury”</u>	<u>R6-5-5001(B)</u>
<u>“Sponsoring Organization”</u>	<u>R6-5-5001(B)</u>

**B. The following definitions apply to this Article:**

1. “ADE” means the Arizona Department of Education.
2. “ADHS” means the Arizona Department of Health Services.
4. “Alternate Approval” means the status ADE confers on an uncertified, unlicensed Child Care Provider that demonstrates compliance with CACFP Child Care standards.
5. “Appeal” means a request for formal resolution of action taken, or inaction, by the Department or designee.
6. “Business Day” means Monday through Friday, excluding Arizona state holidays as listed in A.R.S. § 1-301.
7. “Calendar Day” means the day as it falls sequentially on the calendar and includes Saturday, Sunday, and holidays.

8. “CACFP” means the Child and Adult Care Food Program, a federal program funded by the U.S. Department of Agriculture and administered in the State of Arizona by ADE, as described in 7 CFR 226.
9. “Caregiver State Licensing Ratio Requirements” means ADHS rules that mandate ADHS oversight of Child Care facilities with five or more children in care for Compensation where Child Care is provided for periods of less than 24 hours per day.
10. “CCR&R Database” means a computerized collection of facts, figures, and information for Licensed, Certified, and Registered Child Care Providers, and Consumers arranged for ease and speed of retrieval.
11. “Center” means the same as Child Care Facility.
12. “Certified” means that a Child Care Provider meets the requirements for certification under A.R.S. § 36-897.01 or A.R.S. § 46-807.
13. “Child Care” means a compensated service that is provided to a child unaccompanied by a parent or guardian during a portion of a 24-hour day, including supervised and planned care, training, recreation, and socialization.
30. “Child Care Provider” means an Adult who, or a facility that offers Child Care services.
14. “Child Care Resource and Referral” or “CCR&R” means the system described in 45 CFR 98.52.
16. “Complainant” means a person who makes a Complaint.
17. “Complaint” means an allegation against a Child Care Provider for any activities related to the Child Care program.
19. “Consumer” means a person who is requesting information from the CCR&R system.
20. “DCS” means the Arizona Department of Child Safety.

14. “Division” means the Department’s Division of Child Care.
21. “Dropped for Cause” means a Sponsoring Organization's termination of a Family Child Care Provider from participation in the CACFP due to the Child Care Provider's violation of the program agreement or for program non-compliance.
22. “Eligible Child” means a child who meets all eligibility criteria for Child Care assistance in accordance with the provisions of Article 49 of this Chapter.
23. “Family Child Care” means Child Care provided by a Certified or Registered Child Care Provider in the Child Care Provider's own home.
24. “Household Member” means a person who does not provide Child Care services and who resides in the home facility of a Child Care Provider for 21 consecutive days or longer, or periodically throughout the year for a total of 21 or more days, in a year.
25. “Licensed” means that a Child Care Provider holds a license from ADHS to operate a Child Care Facility, as prescribed in A.R.S. § 36-882.
26. “Listing Status” means the condition under which a Child Care Provider may receive a Referral or is restricted from receiving a Referral, and is either Referral Status or No Referral Status.
27. “No Referral Status” means the Listing Status in which a Child Care Provider is listed in the CCR&R Database for the Child Care related information only, and not for receiving Referrals.
28. “Personally Identifiable Information” or “PII” means information about a person, other than a Child Care Provider, that when considered alone or in combination with other information, identifies or permits another person to readily identify the person who is the subject of the information.

31. “Referral” means the information listed in R6-5-5006, that the CCR&R system gives to a Consumer.
32. “Referral Status” means the Listing Status in which a Child Care Provider is listed in the CCR&R Database for the Child Care related information and for receiving Referrals.
33. “Registered Child Care Provider” means a Family Child Care Provider that is an Adult and is not Licensed or Certified by any government agency, but who meets the requirements under R6-5-5003 to be listed in the CCR&R Registry.
34. “Registry” means the list of Child Care Providers that:
- a. Are not Licensed or Certified by a government agency;
  - b. Voluntarily list with the CCR&R; and
  - c. Meet the requirements under A.R.S. § 41-1967(C) to receive referrals and training information.
35. “Regulatory Agency” means a state government agency responsible for monitoring Child Care Providers to ensure compliance with Child Care standards. ADHS is the Regulatory Agency for ADHS-licensed Child Care Centers and ADHS-certified group homes; and DES is the Regulatory Agency for DES-certified home and in-home Child Care Providers.
36. “Regulated Child Care Provider” means a Child Care Provider, who is required to meet licensing or certification standards set by a government agency, including a federal, state, or tribal government agency.
37. “Serious Injury” means any injury that requires attention from licensed or certified medical personnel.

38. “Sponsoring Organization” means a public or non-profit private organization that administers the CACFP on behalf of ADE.

39. "Substantiated Complaint" means a Complaint that:

- a. Has been investigated and found to be valid by the Regulatory Agency; or
- b. A law enforcement agency has referred to a prosecutorial agency with a recommendation to file charges.

**R6-5-5002. Consumer and Child Care Provider Education**

A. The CCR&R website shall be consumer-friendly and easily accessible by families of Eligible Children, the general public, and Child Care Providers, including individuals with disabilities and individuals with limited English proficiency.

B. A The Department or designee shall disseminate consumer education information through the CCR&R website, including:

1. The availability of the full diversity of Child Care services, as described in 45 CFR 98.33(b);
2. Child Care Provider regulatory requirements;
3. Regulated Provider monitoring and inspection requirements specified under R6-5-5007;
4. Summary of monitoring results, in a timely manner, for a minimum of three preceding years, where available, to include:
  - a. Dates of monitoring;
  - b. Information on corrective actions taken by the Child Care Provider; and
  - c. Any health and safety violations, including any fatalities and Serious Injuries.
5. A comprehensive inspection report, including all items inspected, to accompany the summary of monitoring results;

6. Department policies and procedures for Child Care Providers related to:
  - a. Background checks that include offenses that prevent individuals from working as Child Care Providers;
  - b. The Division of Child Care's statewide emergency preparedness and response plan; and
  - c. Complaints against Child Care Providers.
7. Substantiated Complaints against Child Care Providers;
8. The list of Child Care Providers included in the CCR&R Database under R6-5-5003;
9. The aggregate number of deaths and Serious Injuries for all Regulated Child Care Providers, by licensing or certification status, and instances of substantiated child abuse that occurred at ADHS-regulated Child Care Centers and group homes- and at DES-Certified Family Child Care homes;
10. Other public programs that may be available to families of Eligible Children, as described in 45 CFR 98.33(b), that include:
  - a. Temporary Assistance for Needy Families under 42 U.S.C. 601 et seq.;
  - b. Head Start and Early Head Start under 42 U.S.C. 9831 et seq.;
  - c. Low-Income Home Energy Assistance Program under 42 U.S.C. 8621 et seq.;
  - d. Supplemental Nutrition Assistance Program under 7 U.S.C. 2011 et seq.;
  - e. Special Supplemental Nutrition Program for Women, Infants, and Children under 42 U.S.C. 1786;
  - f. CACFP under 42 U.S.C. 1766;
  - g. Medicaid and the State children's health insurance programs under 42 U.S.C. 1396 et seq. and 1397aa et seq.; and

h. Programs carried out under Section 619 and part C of the Individuals with Disabilities Education Act under 20 U.S.C. 1419 and 1431 et seq..

11. Contact information for the Department and for other programs that are included on the CCR&R website.

C. The Department or designee shall conduct outreach activities to the public, including:

1. Informing the community of available CCR&R services;
2. Identifying and strengthening collaborative efforts with other Child Care organizations;  
and
3. Using different types of media to reach families, Child Care Providers, and the community;

D. The Department or designee shall provide technical assistance and resource information to existing and prospective Child Care Providers, including:

1. Information to become a Child Care Provider;
2. Community resources available to Child Care Providers; and
3. Complaint procedures.

**R6-5-5002-R6-5-5003. Child Care Provider Participation Requirements**

A. To be considered for inclusion in the CCR&R database, a provider A Child Care Provider shall submit the following information to the Department or designee to be considered for inclusion in the CCR&R Database for the provider's SDA:

1. Provider's name;
2. Address;
3. Phone number;
4. Days and times the facility is open;

- ~~5. Ages of children accepted;~~
- ~~6. Capacity;~~
- ~~7. Regulatory affiliation, if any;~~
- ~~8. Meals provided to children in care;~~
- ~~9. Training and experience;~~
- ~~10. Accreditation;~~
- ~~11. Fees;~~
- ~~12. School transportation;~~
- ~~13. DES Provider ID, if applicable;~~
- ~~14. The provider's choice of listing status; and~~
- ~~15. DHS Child Development Center (CDC) or Small Group Home (SGH) number.~~

1. Name;
2. Address;
3. Website, if available;
4. Phone number;
5. Email address;
6. Days and hours of operation;
7. Ages of children accepted;
8. Capacity;
9. Meal information;
10. Training and experience;
11. Accreditation, any other state-approved quality rating, or both;
12. Fees;

13. School transportation;

14. Regulatory affiliation, if any;

15. ADHS Child Development Center (CDC) number, if applicable;

16. ADHS Small Group Home (SGH) number, if applicable;

17. DES Child Care Provider ID, if applicable; and

18. Other significant Child Care Provider and program information, as prescribed by the Department.

B. Regulated Child Care Providers: Before adding a ~~regulated provider~~ Regulated Child Care Provider to the CCR&R ~~database~~ Database, the Department or designee shall confirm the ~~provider's~~ Child Care Provider's regulatory affiliation with the appropriate ~~regulatory agency~~ Regulatory Agency.

C. Registered Child Care Providers: The provisions in this subsection govern ~~provider~~ Child Care Provider participation requirements for ~~registered~~ Registered ~~family child care providers~~ Child Care Providers.

1. In addition to the information listed in ~~subsection (A)~~ R6-5-5003(A), ~~a registered family child care provider shall complete and submit to the Contractor, on Department-approved forms, a notarized sworn statement and a notarized certification statement attesting that the provider is not subject to exclusion or removal from the CCR&R database under any of the grounds specified in A.R.S. § 41-1967(E)~~ a Child Care Provider that wishes to be registered with the CCR&R shall:

a. Complete and submit to the Department or designee, all required attestations in accordance with A.R.S. § 41-1967.01 and Department policy.

- b. Complete and maintain training in pediatric first aid and pediatric cardiopulmonary resuscitation, and submit verification of current certification to the Department or designee; and
  - c. Submit to the Department or designee, and maintain, valid fingerprint clearance cards for the individual and all of the individual's Adult Household Members.
- 2. ~~Before adding a registered family child care provider~~ an individual to the CCR&R registry and database, ~~a Registry and Database, the Department or designee Contractor~~ shall review the provider's sworn statement and certification statement described in subsection (C)(1) and include on the registry only those providers who affirm that they are not subject to exclusion or removal under A.R.S. § 41-1967(E).
  - a. Review the sworn statement and certification statement described in R6-5-5003(C)(1)(a) and include on the Registry only a Child Care Provider that affirms that the Child Care Provider is not subject to exclusion or removal under A.R.S. § 41-1967(E); and
  - b. Ensure that the individual and the individual's Adult Household Members have cleared a criminal background check in accordance with 45 CFR 98.43 and A.R.S. § 46-811.
- 3. ~~Before adding a registered family child care provider to the CCR&R registry and database, a Contractor shall receive clearance from the Department that neither a provider nor anyone providing care in the provider's home has had a child abuse or neglect investigation that has been substantiated by Child Protective Services (CPS) in this state. The Department shall ensure that a criminal background check is conducted every five~~

years, in accordance with the provisions of 45 CFR 98.43 and A.R.S. § 46-811, for the  
Child Care Provider and the Child Care Provider's Adult Household Members.

**~~R6-5-5003:~~R6-5-5004. Notification of Changes**

- A. A ~~provider~~Child Care Provider listed ~~on~~in the CCR&R ~~database~~Database shall notify the Department or designee of any changes to the information or statement given under ~~R6-5-5002(A)~~R6-5-5003(A) or (C)(1).
- B. A ~~provider~~Child Care Provider may ~~modify self-initiated~~initiate changes ~~in listing status of~~  
the Child Care Provider's Listing Status at any time by notifying the Department or designee.

**~~R6-5-5004:~~R6-5-5005. Referrals Not Guaranteed**

- A. The Department or designee shall make referrals to participating ~~providers on a random basis~~  
Child Care Providers in Referral Status based on a family's self-reported needs.
- B. The Department or designee shall not:
1. Guarantee the number or frequency of ~~referrals~~ Referrals to a ~~provider~~ Child Care Provider; or
  2. Guarantee that listing on the CCR&R will result in economic benefit or gain to a ~~provider~~Child Care Provider.

**~~R6-5-5005:~~R6-5-5006. Referral Process**

- ~~A. To obtain a referral, a customer shall give the contractor the following information, if available, about the customer's child care needs:~~
- ~~1. Customer name;~~
  - ~~2. Address;~~
  - ~~3. Phone number;~~
  - ~~4. Days and times child care is needed;~~

5. ~~Preferred type of child care provider;~~
6. ~~Location where care is needed or preferred, and~~
7. ~~Age of child.~~

**B.A.** The Department or designee shall ~~give a customer a referral that~~ refer a Consumer to a Child Care Provider that is consistent with the ~~customer's~~ Consumer's stated preferences.

1. ~~The Contractor shall not make a referral unless the Contractor can give the customer the names of at least three potential providers within the customer's search parameters.~~
2. ~~If the Contractor cannot name at least three potential providers meeting the customer's stated preferences, the Contractor shall ask the customer to expand the search parameters until the Contractor can name at least three potential providers.~~

**B.** The Department or designee shall ensure the following Consumer information is collected for the database:

1. Days and times Child Care is needed;
2. Type of Child Care Providers needed or preferred, including Center-based or Family Child Care Providers;
3. Location where Child Care is needed or preferred;
4. Age of children in need of Child Care;
5. Special Child Care needs and requests made by the family; and
6. Reasons for the need of Child Care.

**C.** The Department or designee shall ~~provide~~ ensure that the ~~customer~~ Consumer is provided with ~~provider~~ Child Care Provider profile information on each referred ~~provider~~ Child Care Provider, including ~~the following:~~

1. Name;

2. ~~Address or major cross streets;~~
3. Phone number;
4. Days and hours of operation;
5. ~~Ages of children accepted;~~
- 6-5. Ratio-Individual caregiver to child ratio, and capacity;
7. ~~Regulatory affiliation, if any;~~
- 8-6. Meal information;
- 9-7. Training and experience;
- 10-8. Accreditation, any other state-approved quality rating, or both;
- 11-9. Fees and available ~~subsidies~~ financial assistance;
- 12-10. ~~School transportation;~~ and
11. Regulatory affiliation, if any.

D. As part of a Referral, ~~a~~ the Department or designee shall ~~give~~ inform each ~~customer~~ Consumer ~~written information that includes the following:~~

1. ~~That the Contractor selects providers~~ The Child Care Providers were selected based on the ~~customer's~~ Consumer's stated preferences;
2. ~~That the Contractor provides referrals and does not recommend, endorse, or guarantee any particular child care provider;~~
2. The selected Child Care Providers are Referrals, and the Department or designee makes no recommendation, endorsement, or guarantee of the Referral.
3. ~~That the~~ The Department or designee does not regulate, monitor, or verify information supplied by a ~~provider~~ Child Care Provider;

4. ~~That a~~ A child's parent or guardian is solely responsible for choosing an appropriate ~~child care provider~~ Child Care Provider to meet ~~a~~ the family's needs; and
  5. ~~That a provider's listing status~~ A Child Care Provider's Listing Status may change after ~~their~~ initial placement ~~on~~ in the ~~registry~~ Registry or ~~database~~ Database, and that ~~customers~~ Consumers are encouraged to ~~call~~ check back periodically for updated information.
- E. As part of a Referral, ~~a~~ the Department or designee shall provide the ~~customer~~ Consumer with the following Department-approved educational information:
1. A list of criteria to consider when selecting quality ~~child care~~ Child Care;
  2. A description of the ~~types~~ categories of ~~child care providers~~ Child Care in Arizona;
  3. A description of CCR&R services and a list of office locations and phone numbers statewide; and
  4. An explanation of the process for filing a ~~child care~~ Child Care-related complaint.

**~~R6-5-5006~~ R6-5-5007.      **Monitoring; Complaint Recording and Reporting Requirements****

- ~~A. Monitoring and Investigation: Neither the Department nor its Contractors monitor or investigate the activities of a provider, or investigate any complaint about a provider, except as otherwise prescribed by law for a family child care provider.~~
- ~~B. Regulated Providers: Upon receipt of a complaint about a regulated provider, a Contractor shall refer the complainant to the appropriate regulatory agency, law enforcement agency, or Child Protective Services.~~

- A. The Department or designee shall collect and disseminate any Complaint that was received by the CCR&R electronically, over the phone, or in-person, to the appropriate Regulatory Agency, law enforcement agency, or DCS.
- B. Neither the Department nor the designee monitor or investigate the activities of a Child Care Provider, or investigate any Complaint about a Child Care Provider, except as otherwise prescribed by law for a Family Child Care Provider.
- C. The provisions in this subsection govern Complaints about a ~~registered provider~~Registered Child Care Provider.
  - 1. Any person may ~~complain-submit~~ a Complaint about a Registered ~~family child care provider~~Child Care Provider on the ~~registry~~Registry by notifying the Department or designee. Upon receipt of a Complaint ~~on about~~ a Registered family child care provider, a Contractor shall:Child Care Provider, the Complainant shall be referred and the complaint forwarded,in accordance with the following:
    - a. ~~Refer the complainant to the appropriate investigative agency (law enforcement or child protective services), if the issue raised in the complaint is suspected child abuse or neglect. The contractor shall forward a complaint involving law enforcement or child protective service to the DES Child Care Administration for resolution;~~
    - a. When the issue raised in the Complaint is suspected child abuse or neglect, the Department or designee shall both directly report and refer the Complainant to the appropriate investigative agency, including law enforcement, and shall forward the Complaint to the Division for resolution.
    - b. ~~Refer the complainant to DHS and forward an over-ratio referral form to DHS if~~  
When the complaint alleges that the provider-Child Care Provider is caring for more

children than the law allows, the Department or designee shall both refer the Complainant and forward the Complaint to ADHS; or,

~~e. Take a complaint made in reference to a CACFP home provider not regulated by any other agency and forward the complaint to ADE for resolution by its sponsoring agencies.~~

~~d.c. Take the complaint if it~~ When the Complaint raises-alleges an issue other than those described in subsections ~~(C)(1)(a), (b) or (e)~~ R6-5-5007(D)(1)(a) and (b), the Department or designee shall receive and record the complaint in the CCR&R database.

~~2. If the Contractor takes the complaint as under subsection (C)(1)(c) or (d), the Contractor shall obtain and record, on a Department approved form, the following information, if available:~~

~~a. Provider name and address;~~

~~b. Summary of the complaint, including date and time of incident;~~

~~c. Name, address, and phone number of the person making the complaint, unless the complainant indicates that the complainant or someone else may come to substantial harm. The Contractor shall document a complainant's claim that substantial harm may result as a result of disclosure of the complainant's name, as prescribed in A.R.S. § 41-1010; and~~

~~d. If applicable, witness information, such as name, address, and phone number.~~

2. The Department or designee shall notify the Child Care Provider of the Complaint in a timely manner. This notification:

a. Shall not include complainant PII; and

b. Shall include the requirement for the Child Care Provider to respond within 30 calendar days from the mailing date of the Complaint, in writing, to the Department or designee.

3. ~~The person recording the information shall sign and date the form.~~

4. ~~After redacting personally identifiable information, the Contractor shall send the complaint form to the provider for response within three work days.~~

5.3. ~~The provider~~ Child Care Provider ~~shall respond~~ shall respond to the Complaint within 30 calendar days from the mailing date of the Complaint, in writing, to the Department or designee ~~by completing the provider response portion of the complaint form within 30 days of the complaint mailing date;.~~

6.4. ~~The~~ Department or designee shall allow the public to inspect the Complaint and the ~~provider's~~ Child Care Provider's response, if given, with all ~~personally identifiable information~~ PII redacted. After the 30-calendar day ~~provider~~ Child Care Provider response period has expired, the Department or designee shall make ~~at~~ the Complaint available for public inspection at the Department's or designees office or the Department or designee may mail a copy of the Complaint upon request.

**~~R6-5-5007.~~R6-5-5008. Child Care Provider Listing Status**

**A. Regulated Child Care Providers:**

1. When ~~the Department~~ the Department or designee ~~learns~~ discovers that a ~~regulatory agency~~ Regulatory Agency has suspended a ~~regulated provider's~~ Regulated Child Care Provider's license, certificate, or ~~alternate approval~~ Alternate Approval, the ~~Department~~ shall ~~direct a~~ Department or designee ~~to~~ shall change the ~~provider's listing status from referral listing to information only listing~~ Child Care Provider's Listing Status from

Referral Status to No Referral Status, using the process as described in R6-5-5009R6-5-5010.

2. ~~If a the Department or designee has changed a provider to information only listing status subsection (A)(1), Department direct the Contractor to return the provider to referral listing status if the regulatory agency removes the provider's suspension~~Child Care Provider to No Referral Status under R6-5-5008(A)(1), and the Regulatory Agency removes the Child Care Provider's suspension status, the Department or designee shall return the Child Care Provider to Referral Status.
3. ~~The Department~~The Department or designee shall notify the provider~~Child Care Provider~~ in writing when the Department~~Department or designee returns the provider~~Child Care Provider to Referral statusReferral Status. ~~The Department~~Department or designee shall send the notice within 10 work daysBusiness Days of the change in status, and shall include the effective date of the change.

**B. Registered Child Care Providers:**

1. ~~When the Department receives a complaint or is notified that a registered provider may have failed or may be unable to meet the needs of a family due to one of the following circumstances, the Department shall direct a Contractor to change a registered provider's listing status from referral listing to information listing using the process in R6-5-5009:~~The Department or designee shall change a Registered Child Care Provider's Listing Status from Referral Status to No Referral Status, using the process in R6-5-5010, when the Department or designee receives a Complaint or is notified that a Registered Child Care Provider may have failed or may be unable to meet the needs of a family due to one of the following circumstances:

- a. A child has allegedly been abused, neglected, ~~exploited, or abandoned~~ or left unsupervised while in the ~~registered provider's~~ Registered Child Care Provider's care;
  - b. A ~~registered provider~~ Registered Child Care Provider has allegedly been involved in activities or circumstances that may threaten the health, safety, or emotional well-being of a child, including; acts of physical violence, domestic disputes, or incidents involving deadly weapons or dangerous or narcotic drugs; or
  - c. As determined by ~~DHS~~ ADHS, a ~~registered provider~~ Registered Child Care Provider has allegedly violated state law by providing care to five or more ~~than four~~ children at any one time for ~~compensation~~ Compensation.
2. If the Department or designee has changed a ~~registered provider to information only~~ Registered Child Care Provider's Listing Status to No Referral Status, as prescribed in ~~subsection (B)(1)~~ R6-5-5008(B)(1), the Department or designee shall return the ~~registered provider to referral listing status~~ Registered Child Care Provider to Referral status if ~~one~~ one of the following occurs:
  - a. A law enforcement agency or DCS determines that the allegation cannot be substantiated;
  - b. A law enforcement agency or DCS ~~Child Protective Services or a law enforcement agency determines~~ determines that the threat to a child has been eliminated; or
  - c. ~~DHS~~ ADHS determines that the ~~registered provider~~ Registered Child Care Provider may continue ~~child care~~ Child Care activities without obtaining a certificate or license.

3. ~~As used in subsection (B)(2), substantiation by a law enforcement agency means that law enforcement has referred a case to a prosecutorial agency with a recommendation to file~~  
~~Scharges.~~

4.3. ~~The Department~~ The Department or designee shall notify the ~~registered provider~~  
Registered Child Care Provider in writing when the ~~provider~~ Child Care Provider is  
returned to ~~referral~~ Referral status. ~~The Department~~ The Department or designee shall send  
the notice within 10 ~~work days~~ Business Days of the change in status; and shall include  
the effective date of the change.

**~~R6-5-5008~~R6-5-5009.      Child Care Provider Exclusion or Removal**

A. The Department or designee may exclude or remove a ~~provider~~ Child Care Provider from the  
CCR&R ~~database~~ Database ~~according to the process in R6-5-5009, as described at~~  
R6-5-5010 for the following reasons because:

1. The ~~provider~~ Child Care Provider fails or refuses to provide information as requested by  
the Department or ~~a~~ designee;
2. A ~~regulatory agency~~ Regulatory Agency or ~~sponsoring organization~~ Sponsoring  
Organization verifies that the ~~provider's~~ Child Care Provider's license, certificate, or  
~~alternate approval~~ Alternate Approval has been denied, revoked, ~~terminated, or dropped~~  
~~for cause or~~ Dropped for Cause;
3. The Department ~~learns~~ discovers that information in the written, sworn, and notarized  
statements submitted by the ~~provider~~ Child Care Provider under ~~R6-5-5002(C)~~  
R6-5-5003(C) is false;
4. The ~~provider~~ Child Care Provider is subject to removal or exclusion for any reason listed  
in A.R.S. § 41-1967(E); ~~or~~;

5. The Department or designee identifies that the Child Care Provider or the Child Care Provider's Adult Household Members no longer have valid fingerprint clearance cards in accordance with A.R.S. § 41-1967.01 or failed a background check as mandated by 45 CFR 98.43 and A.R.S. § 46-811; or

~~5.6.~~ The ~~provider-Child Care Provider~~ fails to comply with the requirements in this Article.

**B.** ~~A~~ The Department or designee may summarily, and without notice, remove a provider-Child Care Provider from the CCR&R database-Database for the following reasons if:

1. The Department or designee is unable to contact the ~~provider-Child Care Provider~~ because:

a. The ~~provider's-Child Care Provider's~~ phone is disconnected;

b. The ~~provider-Child Care Provider~~ is no longer at the last known address and has given no forwarding address; or

c. The ~~provider has died-Child Care Provider is deceased; or,~~

2. The ~~provider-Child Care Provider~~ requests removal from the CCR&R Database;

3. The Child Care Provider has been placed on No Referral Status for over a year; or

4. A situation at a Child Care Provider endangers the health, safety, or welfare of a child.

**C.** A ~~provider-Child Care Provider~~ removed under ~~subsection (B)-R6-5-5009(B)(1)~~ may request reinstatement by ~~calling-contacting~~ the Department or designee for the provider's SDA and providing current information.

**D.** Upon receipt of a request for reinstatement, the Department or designee shall update the information listed in ~~R6-5-5002~~ R6-5-5003 and, if applicable, confirm that the ~~provider-Child Care Provider~~ has submitted information requested by the Department or designee.

E. The Department or designee shall reinstate the ~~provider~~ Child Care Provider unless there are grounds for removal under ~~subsections (A)(1) through (5)~~ R6-5-5009(A).

**~~R6-5-5009~~R6-5-5010.            Administrative Review Process**

A. When the Department receives information indicating that the Department may need to change a ~~provider's listing status~~ Child Care Provider's Listing Status, or remove or exclude a ~~provider~~ Child Care Provider from the Database according to the process in this Section, the ~~Department~~ Assistant Director of the Division or designee shall review the information and ~~decide~~ determine whether grounds exist as listed in ~~R6-5-5007 or R6-5-5008(A)~~ a change of the Child Care Provider's Listing Status, removal, or exclusion is appropriate as provided in R6-5-5008 or R6-5-5009(A).

B. If the Department decides to change a ~~provider's listing status~~ Child Care Provider's Listing Status, or to remove or exclude a ~~provider~~ Child Care Provider from the Database, the Department shall:

1. Notify the Department or designee to change the ~~listing status~~ Listing Status or to remove or exclude the ~~provider~~ Child Care Provider; and
2. Within 10 ~~work days~~ Business Days of the effective date of the change of ~~listing status~~ Listing Status, removal, or exclusion, send the ~~provider~~ Child Care Provider written notice, electronically or certified mail, of the action taken.

C. The written notice shall include ~~the following information~~:

1. The effective date of the change in ~~listing status~~ Listing Status, ~~or the removal~~, or exclusion;
2. The reason for the change in ~~listing status~~ Listing Status, ~~or the removal~~, or exclusion;

3. The ~~statute or rule~~statutory provision requiring the ~~provider's~~Child Care Provider's change in ~~listing status~~Listing Status, or the removal, or exclusion;
  4. An explanation of the ~~provider's~~Child Care Provider's right to an administrative review; and;
  5. A statement explaining ~~where~~how the ~~provider~~Child Care Provider may file a written request for an administrative review and the time period for doing so.
- D. The Department shall mail the notice to the ~~provider's~~Child Care Provider's last known address or transmit the notice to the Child Care Provider electronically. The mailing date is presumed to be the date appearing on the notice.
- E. ~~A provider~~The Child Care Provider may request an administrative review by filing a written request for review with the Department; within 15 ~~work days~~Business Days after the mailing date of the Department's notice.
- F. The ~~provider~~Child Care Provider shall mail the written request for administrative review to:  
the Assistant Director of the Division or designee.  
~~—Department of Economic Security~~  
~~—Child Care Administration~~  
~~—Program Administrator~~  
~~—P.O. Box 6123 S.C. 801A~~  
~~—Phoenix, Arizona 85005~~
- G. In the written request for an administrative review, the ~~provider~~Child Care Provider shall include the reason for requesting an administrative review and any documentation supporting the ~~reinstatement~~ request.
- H. A request for an administrative review is timely if:

1. The Department receives it within the ~~15-day appeal~~ 15-Business Day Appeal period in subsection (E); or
  2. The envelope in which the request was mailed is postmarked or postage-meter marked within the period in subsection (E).
- I. The ~~Assistant Director of the Division Program Administrator~~, or designee, shall review the Department's decision and all documentation submitted by the ~~provider~~ Child Care Provider, and make a determination whether to uphold or overturn the Department's decision.
- J. The ~~Assistant Director of the Division Program Administrator~~, or designee, shall notify the ~~provider~~ Child Care Provider and the Department or designee of the results of the administrative review within 15 ~~work days~~ Business Days from the date the Department receives the request for administrative review.
1. The Assistant Director of the Division's, or designee's, decision shall be in writing and mailed to the ~~provider's~~ Child Care Provider's last known address. The date on the decision is presumed to be the mailing date.
  2. The Assistant Director of the Division's, or designee's, decision shall include information about the ~~provider's~~ Child Care Provider's right to further ~~appeal~~ Appeal.
- K. The ~~provider~~ Child Care Provider may ~~appeal~~ Appeal the Department's decision under ~~R6-5-5010~~ R6-5-5011.

**~~R6-5-5010~~ R6-5-5011.      Administrative Appeal Process**

- A. A ~~provider~~ Child Care Provider may ~~appeal~~ Appeal the Department's administrative review decision under ~~6-A.A.C. 5, Article 75 of this Chapter~~ by filing a request for an ~~appeal~~ Appeal with the Department within 15 ~~work days~~ Business Days after the mailing date of the Department's administrative review decision described in ~~R6-5-5009(J)~~ R6-5-5010(J).

B. ~~A provider~~ The Child Care Provider shall mail the written request for an ~~appeal~~ Appeal to:  
the Assistant Director of the Division or designee.

—~~Department of Economic Security~~

—~~Child Care Administration~~

—~~Program Administrator~~

—~~P.O. Box 6123 S.C. 801A~~

—~~Phoenix, Arizona 85005~~

C. In the written request, the ~~provider~~ Child Care Provider shall include the reason for requesting an ~~appeal~~ Appeal and any documentation supporting the request.

D. The Department's actions in reference to removal or exclusion from the ~~database~~ Database or changes in ~~listing status~~ Listing Status are not appealable under this Article if the action is based on failure to:

1. ~~Failure to clear a~~ Obtain or maintain a valid fingerprint clearance card or clear a criminal background check as mandated by 45 CFR 98.43 and A.R.S. §§ 41-1967.01(C) and 46-811;
2. ~~Failure to clear~~ Clear a Child Protective Services-DCS background check; or
3. Successfully appeal the denial or suspension of a fingerprint clearance card or DCS background check under A.R.S. § 41-619.53.

E. A request for an ~~appeal~~ Appeal is timely if:

1. The Department receives it within the ~~15-day appeal~~ 15-Business Day Appeal period in ~~subsection (A)~~ R6-5-5011(A); or
2. The envelope in which the request is mailed is postmarked or postage-meter marked within the ~~15-day~~ 15-Business Day period prescribed in ~~subsection (A)~~ R6-5-5011(A).